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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,713	12/21/2000	Clarence C. Lee	12980-0101 (251210)	4540
23594	7590	06/03/2004	EXAMINER	
JOHN S. PRATT KILPATRICK STOCKTON LLP 1100 PEACHTREE SUITE 2800 ATLANTA, GA 30309			KUMAR, PREETI	
			ART UNIT	PAPER NUMBER
			1751	

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,713

Applicant(s)

LEE, CLARENCE C.

Examiner

Preeti Kumar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8,10-16 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8,10-16 and 21-24 is/are rejected.
- 7) ☒ Claim(s) 8 and 21-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/8/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Final Rejection

1. Claims 8, 10-16 and 21-24 are pending. Claims 21-24 are newly added
2. The rejection of claims 8-13 and 15-16 are rejected under 35 U.S.C. 102(a) as being anticipated by Tcheou et al. (US 6,048,368) is maintained for the reasons recited in the previous office action.
3. The rejection of claim 14 under 35 U.S.C. 103(a) as being unpatentable over Tcheou et al. (US 6,048,368) is maintained for the reasons recited in the previous office action.

Response to Arguments

4. Applicant's arguments filed March 8, 2004 have been fully considered but they are not persuasive.

Applicant's urge that Tcheou does not disclose a device. Please see the previous office action where Tcheou teach a container having a cap to which a foam pad is secured. The cap has a small opening through which the detergent composition can pass. See abstract. Tcheou et al. teach that the absorbent layer may be any absorbent means which is generally compressible, conformable, and capable of absorbing and retaining liquids. The absorbent pad may be manufactured in a wide variety of sizes and shapes (e.g., rectangular, round, asymmetric, etc.). Examples of suitable absorbent materials include comminuted wood pulp, creped cellulose wadding; meltblown polymers; chemically stiffened, modified or cross-linked cellulosic fibers;

tissue including tissue wraps and tissue laminates; absorbent foams; absorbent sponges; superabsorbent polymers; absorbent gelling materials; or any equivalent material or combinations of materials. The configuration and construction of the absorbent pad may also be varied (e.g., the absorbent pad may have varying caliper zones, a hydrophilic gradient, a superabsorbent gradient, or lower average density and lower average basis weight acquisition zones; or may comprise one or more layers or structures). Further, the size and absorbent capacity of the absorbent pad may be varied. See col.7, ln.45-65. Thus, contrary to applicant's arguments, the prior art teaching of Tcheou et al. is drawn to a device.

Also, Applicant's urge that Tcheou et al. does not disclose a device in which a dispenser and a receptacle have coupling means there on for coupling the dispenser to the receptacle when the portable device is not in use. As stated in the new matter rejection below, the disclosure does not provide support to the amendments to the claims and the newly added claims. However, Tcheou et al. teaches in figure 8 a hinge mechanism as recited by the newly amended claim 22. Tcheou et al. teaches in figure 10 a tab mechanism as recited by the newly amended claim 23. Tcheou et al. teaches in figure 6-7 a lip mechanism as recited by the newly amended claim 24. Accordingly the teachings of Tcheou et al. anticipate the material limitations of the instant claims and thus the rejection has been maintained.

New Grounds of Rejection

Specification

5. The amendment filed March 8 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "...coupling means thereon for mutually coupling said dispenser to said receptacle when said portable device is not in use". The disclosure does not give basis to the coupling means language or encompass the scope of the limitation of "not in use" recited in claims 8, 21-23. Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Objections

6. Claim 8 is objected to because for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically the limitation to a coupling means at the end of the claim does not make grammatical sense and the specification provides no guidance or basis for coupling means or when not in use. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 8, 21-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter

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which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Examiner finds no basis or support for the limitation to "...coupling means thereon for mutually coupling said dispenser to said receptacle when said portable device is not in use" as recited in claim 8. Also, this limitation is not part of the original disclosure and applicants recitation of support for coupling means in the specification at page 13, line 21 through page 14 and figures 8-10 is not valid because it does not provide basis to the coupling means language or to the use thereof when said portable device is not in use recited in claims 8, 21-23.

Examiner does find basis for the limitation to "this second piece is connected to the fluid source 1 by a hinge. In this embodiment, the stained piece of fabric could be folded at or near the location of the stain thereby allowing the fluid source 1 and the second piece to fit over the stain" as recited in paragraph (0045) of the publication 20020078510.

And finds basis for securing the cleaning solution inside the device between uses on page 14, lines 8-10. However, this disclosure does not give basis to the "coupling means" language or encompass the scope of the limitation of "coupling dispenser to receptacle when portable device is not in use" recited in claims 8, 21-23.

Claim Rejections - 35 USC § 102

9. Claims 8, 10-13, 15-16 and 21-24 rejected under 35 U.S.C. 102(a) as being anticipated by Telesca et al. (US 6,010,540).

Telesca et al. teach dry cleaning and freshening system including a containment bag, a single unit dispenser having dispensing means, a container, and absorbing

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means wherein the single unit dispenser and absorber means may be in the form of a ball with two hemispheres that split and may be screwed together. The single unit dispenser and absorber means may be used in a home clothes dryer for dry cleaning. See abstract.

Regarding the device of claims 8, 15, 21-24, see figures 3-10 depicting a single unit dispenser comprising a chamber containing a cleaning solution and an absorber means and a port to permit the passage of the liquid cleaning composition. See figures 3-10 and col.3-4.

Regarding the limitations of claims 10-13 and 15, Telesca et al. teach that the device is used in conjunction with a liquid cleaning composition comprising one or more solvents and/or one or more surfactant constituents which may be employed to solubilize stains, and such cleaning compositions may be provided as part of an aqueous, or as part of an organic fluid delivery system. These liquid cleaning compositions comprising the following constituents: 0.01-5% wt. (preferably 0.01-2.5% wt.) nonionic surfactant which is preferably an alkoxyated primary or secondary alcohol and/or an alkoxyated phenol; 0.01-2.5% wt. anionic surfactant selected from alkyl sulfosuccinates, alkyl ether sulfosuccinates, alkylamide sulfosuccinates, alkyl sulfosuccinamates, as well as salt forms thereof; 0-1% wt. (preferably 0-0.1% wt.) fluorosurfactant constituent including one or more of those which may be present in the spot cleaning composition; 0.01-7% wt. organic solvent selected from alcohols and glycol ethers especially water miscible alcohols and ethers, to 100% wt. of water, and further up to about 2% wt. (preferably 0-1% wt.) of one or more optional constituents.

Desirably, these compositions are aqueous in nature and comprise about 90% wt. and more of water. Also, aqueous spot cleaning composition which comprises the following constituents: 0.1-10% wt. nonionic alkoxyated alcohol; 0.1-10% wt. nonionic alkoxyated mono- and di-alkanol amide; 0.1-3.5% wt. anionic surfactant especially one or more selected from alkyl sulfosuccinates, allyl ether sulfosuccinates, alkylamide sulfosuccinates, alkyl sulfosuccinamates, as well as salt forms thereof; 0-1% wt. flurosurfactant; 0.01-7% wt. alcohol solvent especially water miscible alcohols; 0.01-30% wt. glycol ether solvent, especially water miscible glycol ethers; to 100% wt. water. Optionally, these spot cleaning compositions may include up to about 2% wt. of one or more conventional additives such as acids, bases, pH buffers, coloring agents, fragrances and the like. Desirably, these spot cleaning compositions comprise at least about 70% wt. water. See col.9, ln.60-col.11. Accordingly the teachings of Telesca et al. anticipate the material limitations of the instant claims.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 571-272-1320. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Preeti Kumar
Examiner
Art Unit 1751

PK



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